



**Service of Process
Transmittal**

12/30/2020

CT Log Number 538817811

TO: Nanette Coley
Dillard's, Inc.
1600 Cantrell Rd
Little Rock, AR 72201-1145

RE: Process Served in Virginia

FOR: Dillard's, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: NADINE OLENYCH, Pltf. vs. DILLARD'S, INC. and DILLARD STORE SERVICES, INC., Dfts.
DOCUMENT(S) SERVED: -
COURT/AGENCY: None Specified
Case # 810CL2000765000
NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition
ON WHOM PROCESS WAS SERVED: C T Corporation System, Glen Allen, VA
DATE AND HOUR OF SERVICE: By Process Server on 12/30/2020 at 13:35
JURISDICTION SERVED : Virginia
APPEARANCE OR ANSWER DUE: None Specified
ATTORNEY(S) / SENDER(S): None Specified
ACTION ITEMS: CT has retained the current log, Retain Date: 12/30/2020, Expected Purge Date: 01/04/2021
Image SOP
Email Notification, Nanette Coley nanette.coley@dillards.com
REGISTERED AGENT ADDRESS: CT Corporation System
4701 Cox Road
Suite 285
Glen Allen, VA 23060
866-331-2303
CentralTeam1@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

COMMONWEALTH OF VIRGINIA



VIRGINIA BEACH CIRCUIT COURT
Civil Division
2425 NIMMO PARKWAY BLDG 10
VIRGINIA BEACH VA 23456
(757) 385-4186

Summons

To: DILLARD'S INC
C/O CT CORPORATION SYSTEM
REGISTERED AGENT
4701 COX RD STE 285
GLEN ALLEN VA 23060

Case No. 810CL20007650-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Thursday, December 17, 2020

Clerk of Court: TINA ESGUERRA SINNEN

by

 .O.C -
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name: COE, JOSHUA J

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

NADINE OLENYCH,

Plaintiff,

v.

At Law No: CL20 - 7650
JURY TRIAL DEMANDED

DILLARD'S, INC.,

and

DILLARD STORE SERVICES, INC.

Defendants.

Serve: DILLARD'S, INC.

c/o CT Corporation System, Registered Agent
4701 Cox Rd Ste 285
Glen Allen, VA 23060

FILED
2020 DEC 15 PM 1:33
JANICE R. D.C.

COMPLAINT

COMES NOW Plaintiff, Nadine Olenych, by counsel, and files this as her Complaint against Defendants, Dillard's, Inc. and Dillard's Store Services, Inc., demands judgment jointly and severally against Defendants in the amount of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) together with the costs of this action and pre-judgment interest from December 26, 2018, until paid, for the following to-wit:

1. Defendant Dillard's, Inc., at all times material herein, was and is a corporation organized and existing under the laws of Delaware, whose principal place of business is located at 1600 Cantrell Rd., Little Rock, AR 72201.
2. Defendant Dillard's Store Services, Inc., at all times material herein, was and is a corporation organized and existing under the laws of Delaware, whose principal place of business is located at 1600 Cantrell Rd., Little Rock, AR 72201.
3. Upon information and belief, Defendants, Dillard's, Inc., and Dillard's Store

Services, Inc., are the properly named defendants herein, and may hereafter be referred to as “Defendants”.

4. At all times material herein, Defendants were acting by and through their agents, representatives and/or employees, all of whom were acting within the course and scope of their authority, agency and/or employment.

5. On December 26, 2018, and all times material herein, Plaintiff was a lawful guest and invitee upon the Dillard’s Store, located at 701 Lynnhaven Parkway, Virginia Beach, VA 23452 (“Premises”).

6. On that same date, while Plaintiff was a lawful guest and invitee inside the aforementioned Premises, a shelf fell upon Plaintiff.

7. At all material times herein, Defendants and their agents, representative and/or employees owed a duty to Plaintiff to use ordinary and reasonable care; to properly inspect and maintain the Premises, including shelving; and to remove unsafe conditions and/or adequately and properly warn of unsafe conditions on the Premises, including shelving, so that persons in the area, including Plaintiff, might be reasonably safe.

8. At all times material herein, the shelving that fell upon Plaintiff was not reasonably safe and involved an unreasonable risk of harm.

9. The said unsafe condition was known, or in the exercise of reasonable care and inspection, should have been known to Defendants but was unknown and concealed to Plaintiff.

10. Defendants, their agents, representatives, and/or employees, having owed a duty of care to Plaintiff, breached that duty and was negligent in the following respects:

- a. Failing to use ordinary care;

- b. Failing to provide a reasonably safe environment;
- c. Failing to maintain the premises, including shelving, in a reasonably safe condition and manner;
- d. Failing to make a reasonable inspection of the premises, including shelving, and/or failing to make reasonable action to correct the unsafe and hazardous condition which the Defendant knew and/or in the exercise of reasonable care, inspection, and supervision, should have known existed and where Plaintiff could reasonably be expected to be;
- e. Failing to warn individuals, including Plaintiff, of the hidden peril and/or unsafe condition that existed on the premises which Defendants knew, or in the exercise of reasonable care and inspection, should have known existed;
- f. Failing to warn individuals, including Plaintiff, and/or failing to correct the dangerous and unsafe condition created by Defendants after Defendants knew, or with reasonable care should have known that such a condition existed;
- g. Failing to keep the Premises, including shelving, fit and reasonably safe for the foreseeable uses by others, including Plaintiff; and
- h. Failing to otherwise exercise due care with respect to the matters alleged in this Complaint that shall be shown through discovery and proven at the trial of this action.

11. At all times material herein, Defendants, their agents, servants, and/or employees were acting within the course and scope of their agency, servitude, and/or employment with the Defendants, and any negligent actions of these individuals are imputed to the Defendants.

12. Defendants are vicariously liable for the negligent acts and omissions of their employees, representatives, and agents.

13. That this Plaintiff was not negligent in any respect and did not contribute to her injuries.

14. As a direct and a proximate result of Defendants' negligence, Plaintiff was caused to suffer serious and permanent injuries; has suffered and will in the future continue to suffer great

physical pain, mental anguish, permanent disfigurement, and disability; has incurred and will in the future incur medical and related expenses; has suffered and will in the future suffer a loss of earnings and earning capacity; and has been unable and will in the future be unable to attend to her necessary and lawful affairs.

WHEREFORE, Plaintiff, Nadine Olenych, by counsel, hereby demands judgment, jointly and severally, against Defendants, Dillard's, Inc. and Dillard's Store Services, Inc., in the amount of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00), together with the costs expended in this matter and pre-judgment interest. Plaintiff demands a **TRIAL BY JURY**.

NADINE OLENYCH

By: 

Of Counsel

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